

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**PATRICK H. MCGUIRE and
LISA ANN MCGUIRE,**

Plaintiffs,

vs.

ANNE MARIE CAREY, et al.,

Defendants.

Case No.: 3:20-cv-00249-RCJ-CLB

ORDER

Before this Court is a verified motion for preliminary injunction by Plaintiffs Patrick H. McGuire and Lisa Ann McGuire (collectively, “the McGuires”) [#20] to stay Defendants City of Reno and Joseph Henry (collectively, “the City”) from their impending administrative enforcement action to record a notice of violation on the title to their property, a single-family residence located at 1640 Watt Street, in Reno, Nevada. Defendants/Cross-claimants Anne Marie Carey and Carey Trust (collectively, “the Careys”) joined the motion [#22]. The City responded in opposition [#33]. The McGuires replied [#20]. The City moved to strike the reply [#40].

The Court provided the parties with an opportunity to present witness testimony for the Court’s consideration by declaration or affidavit [#39]. Plaintiff Patrick McGuire [#44] and

1 Defendant/Cross-claimant Anne Marie Carey [#45] submitted declarations in support of the
2 motion for preliminary injunction. The City did not present a declaration or affidavit in support
3 of its opposition.

4 On July 28, 2020 at 10:00 a.m., the Court held a hearing on the McGuires' motion for
5 preliminary injunction via Zoom Video Conference. Counsel for all parties made appearances.
6 Plaintiff Patrick McGuire and Defendant/Cross-claimant Anne Marie Carey attended. Counsel
7 for the McGuires, the City, and the Careys presented oral argument. Counsel for Defendants
8 Re/Max, LLC and Re/Max Holdings, Inc. as well as counsel for Defendants Antonette Shaw and
9 Maxed Professionals, LLC submitted on the matter without taking a position.
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11 Counsel for all parties have met, conferred, and approve the form of this Order.
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13 Based upon the parties' briefs, exhibits thereto, the supporting declarations, and the
14 argument of counsel at the hearing, and good cause appearing thereon:

15 1. IT IS HEREBY ORDERED that the McGuires' pending motion for preliminary
16 injunction will be treated as a motion for temporary restraining order.
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18 2. IT IS FURTHER ORDERED the McGuires' motion for a temporary restraining
19 order is GRANTED. The City is enjoined from issuing any further notices of violation or
20 recording a notice of violation on the title to the McGuires' property from Tuesday, July 28,
21 2020 to Monday, August 17, 2020. Counsel for all parties acknowledged that a temporary
22 restraining order may last no more than fourteen (14) days. Pursuant to party agreement, this
23 temporary restraining order may be automatically extended for an additional six (6) days, that is
24 up until August 17th, to afford the parties time for limited discovery prior to the next hearing .
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26 3. IT IS FURTHER ORDERED that the City's motion to strike is DENIED.
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5. IT IS FURTHER ORDERED that the parties' mutual request for additional briefing on this matter is GRANTED. The McGuires, the Careys, and the City may each submit one additional brief, not to exceed ten (10) pages in length (exclusive of exhibits), in support of their respective positions. Each brief may attach exhibits, declarations, and sworn interrogatories for the Court's consideration. The deadline to submit these briefs is the close of business (5 p.m.) on Tuesday, August 11, 2020.

IT IS SO ORDERED

DATED: July 30, 2020

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